



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/327,766	06/07/1999	NANCY ELLMAN	SYMA1039MCF/	5881

23910 7590 02/24/2004

FLIESLER MEYER, LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO, CA 94111

EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
----------	--------------

2175

23

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/327,766

Applicant(s)

ELLMAN ET AL.

Examiner

Thuy Pardo

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003 and 10 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-40 and 45-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-40 and 45-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's Amendment filed on December 10, 2003 in response to the Examiner's Office Action has been reviewed. Claims 41-44 have been withdrawn.
2. Claims 32-40 and 46-56 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 32-40 and 46-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (Hereinafter "Clark") in view of Boothby US Patent No. 5,684,990.

As to claim 32, Clark teaches a method for synchronizing a file type between a first computer and a second computer [see the title and the abstract], comprising the steps of:

selecting on said first computer at least one file type to monitor [col. 3, lines 21-36; col. 10, lines 35-45; ab];

monitoring said first computer for modifications to files of said selected file type [col. 15, lines 35-50];

Art Unit: 2175

recording a file responsive to a modification to a file of said selected file type [col. 16, lines 4-6];

determining, subsequent to said step of identifying, whether said modified file on said first computer is more recent than said identified file on said second computer [604 of fig. 11; col. 16, lines 8-12]; and,

replacing said identified file on said second computer with said modified file on said first computer, only if it is determined that s said modified file on said first computer is more recent than said identified file on said second computer [606 of fig. 11; col. 16, lines 8-12].

However, Clark does not explicitly teach file identification representative of said recorded file identification. Boothby teaches file identification representative of said recorded file identification [ab; 5, 9 of fig. 1; N-ID of fig. 2; unique ID, col. 3, lines 60-64.

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to have modified the communication service system of Clark wherein the modified file provided thereof would have incorporated the teachings of Boothby especially the technique for identifying a corresponding file identification representative of said recorded file identification. Boothby teaches file identification; the motivation being to expand and enhance the versatility of Clark's system by allowing modified files are identified through the use of key fields [see Boothby, col. 4, lines 61 to col. 5, lines 5].

As to claim 33, Clark and Boothby teach the invention substantially as claimed. Clark further teach replacing said modified file on said first computer with said identified file on said

Art Unit: 2175

second computer, if it is determined that said modified file on said first computer is not more recent than said identified file on said second computer [606 of fig. 11].

As to claim 34, Clark and Boothby teach the invention substantially as claimed. Clark further teaches accessing a first date and time associated with said modified file and accessing a second date and time associated with said identified file on said second computer [inherent in the system in order to determine if the files have different date and time, col. 15, lines 35-50] ; and determining if said first date and time is more recent than said second date and time [col. 15, lines 65 to col. 16, lines 15].

As to claim 35, Clark and Boothby teach the invention substantially as claimed. Clark further teaches that said step of replacing said identified file on said second computer with said modified file on said first computer, replaces said identified file on said second computer with a copy of said modified file [update to newer files, 606 of fig. 11].

As to claim 36, Clark and Boothby teach the invention substantially as claimed. Clark further teaches:

connecting said second computer with said first computer [connection between the computer C and the handheld computer H, see fig. 1C];

identifying with said second computer said item of information stored on said first computer [obtaining same file names in the host computer and the handheld computer, see 552 of fig. 10; col. 10, lines 15-18];

Art Unit: 2175

determining whether said item of information stored on said first computer is more recent than said corresponding item of information stored on said second computer [col. 3, lines 22-34; comparison to determine that the files obtained from the host computer is not previously stored in the handheld computer, col. 14, lines 41-60]; and

retrieving said item of information from said first computer [captures updated data in the host computer, col. 3, lines 14-17], only if it is determined that said item of information stored on said first computer is more recent than said corresponding item of information stored on said second computer [newly entered into the handheld computer is preferably automatically updated to the host computer as it is assumed that the user is the master of the information, col. 3, lines 31-34; comparison to determine that the files obtained from the host computer is not previously stored in the handheld computer, col. 14, lines 41-60].

As to claim 39, all limitations of this claim have been addressed in the analysis of claim 36 above, and this claim is rejected on that basis.

As to claim 45, Clark and Boothby teach the invention substantially as claimed, with the exception of a work monitor interface, a file synchronization interface. However, since Clark teaches the method steps of identifying an occurrence of an event or activity by determining any differences between two files and if the entire file is new, col. 16, lines 4-27, ab] and providing the ability to select at least one item of information contained on said first computing device, for synchronization with a second computing device [col. 3, lines 12-36; col. 16, lines 4-27; ab], the

Art Unit: 2175

means corresponding to these method steps are inherent in the system in order to perform such method functions.

As to claim 46, Clark and Boothby teach the invention substantially as claimed, with the exception of a work monitor log. However, since Clark teaches a method step of identifying an occurrence of an event or activity by determining any differences between two files and if the entire file is new, col. 16, lines 4-27, ab], means corresponding to this method step is inherent in the system in order to perform such method function.

As to claim 37, Clark and Boothby teach the invention substantially as claimed. Clark further teaches retrieving said item of information retrieves a copy of said item of information [capture of updated data, ab].

As to claim 38, Clark and Boothby teach the invention substantially as claimed. Clark further teaches storing said item of information on said second computer responsive to said step of retrieving said item of information [update to newer files, 606 of fig. 11].

As to claim 40, Clark and Boothby teach the invention substantially as claimed. Clark further teaches verifying that said item of information provided to said first computer has been received

Art Unit: 2175

by said first computer [a return without an error flag, col. 14, lines 39-52]; and, disconnecting said second computer from said first computer [terminate access, 492 of fig. 9B; col. 14, lines 47-52].

As to claims 46-48, all limitations of these claims have been rejected in the analysis above, and these claims are rejected on that basis.

As to claim 49, Clark and Boothby teach the invention substantially as claimed. Clark further teaches a work monitor interface enable/disable module [inherent in the system], wherein in response to selection of said enable/disable module said synchronization system either begins or stops monitoring occurrences of events or activities on said first computing device [on/off switch, col. 12, lines 56-65].

As to claim 50, Clark and Boothby teach the invention substantially as claimed. Clark further teaches that said file synchronization interface maintains a list identifying information which is to be synchronized with said second computer [col. 12, lines 49-56].

As to claim 51, Clark and Boothby teach the invention substantially as claimed. Clark further teaches that said file synchronization interface includes an information addition module [inherent in the system in order to update information to the synchronization list, col. 12, lines 48-56].

As to claim 52, Clark and Boothby teach the invention substantially as claimed. Boothby further teaches that said file synchronization interface includes an information change module [inherent in the system] for changing an identification of information to said list [col. 6, lines 40-49].

As to claim 53, Clark and Boothby teach the invention substantially as claimed. Boothby further teaches that said file synchronization interface includes an information delete module [inherent in the system] for removing an identification of information from said list [col. 7, lines 63-64; col. 8, lines 13-18, 21-24; 425 of fig. 6].

As to claim 54, Clark and Boothby teach the invention substantially as claimed, with the exception that said file synchronization system includes a begin synchronization module. However, since Boothby teaches that synchronization begins with the program retrieving records from handheld database and comparing them to the records in the status file [col. 5, lines 63-65; 205 of fig. 3], the means corresponding to these method steps are inherent in the system in order to perform these functions.

As to claim 55, Clark and Boothby teach the invention substantially as claimed. Boothby further teaches displaying a result of selection of said begin synchronization module [displaying the relevant mismatching information and asking the user to choose, col. 2, lines 47-51], identifying the progress of synchronization information between said first computing device and said second computing device [see table 1, col. 7, lines 55 to col. 8, lines 35].

As to claim 56, Clark and Boothby teach the invention substantially as claimed. Clark further teaches that a file transfer interface [inherent in the system], providing the ability to select at least one item of information for transferring between said first computing device and said second computing device [col. 7, lines 29-45].

Response to Arguments

Applicant argues that neither Clark nor Boothby teach the limitation of “recording a file identification responsive to a modification to a file of said selected file type”.

Examiner respectfully disagrees. Examiner believes that this feature is taught by Boothby. Boothby teaches that the technique for synchronizing disparate databases of different computers is achieved by using unique IDs assigned when a record is created, and the software is able to use the unique IDs to compare the contents of corresponding data records in the two databases [see col. 1, lines 55 to col. 2, lines 4].

Applicant argues that Boothby teaches retrieving records and comparing them. Accordingly, Boothby does not teach “transferring and replacing..., only if its determined that said first date and time is more recent than said second date and time”,

Examiner respectfully disagrees. Since Boothby teaches synchronizing between computers and determining whether the modified file on the first computer is more recent than the identified file in the second computer by comparing date and time of last modification stamps, the features of transferring the modified file to the second computer and replacing the

Art Unit: 2175

identified file on the second computer with the latest updated record are inherent in the steps of synchronizing files between computers.

4. Applicant's arguments filed on August 20, 2003 have been fully considered but they are not persuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830. The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 (Official Communication)

Art Unit: 2175

and/or:

(703) 746-5616 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

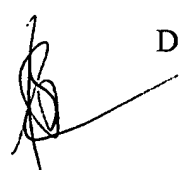
or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).



Thuy Pardo
February 21, 2004